

ISMAIL J. RAMSEY (CABN 189820)
 United States Attorney
 MICHELLE LO (NYRN 4325163)
 Chief, Civil Division
 PAMELA T. JOHANN (CABN 145558)
 Assistant United States Attorney

 450 Golden Gate Avenue, Box 36045
 San Francisco, California 94102
 Telephone: (415) 436-7025
 Facsimile: (415) 436-7234
 pamela.johann@usdoj.gov

Attorneys for Defendant UNITED STATES
 DEPARTMENT OF LABOR

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

THE CENTER FOR INVESTIGATIVE
 REPORTING and WILL EVANS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
 LABOR,

Defendant.

) Case No. 22-cv-07182-WHA

)
)
) **STIPULATED REQUEST TO MODIFY**
) **BRIEFING SCHEDULE FOR BELLWETHER**
) **SUMMARY JUDGMENT MOTION;**
) ~~**PROPOSED**~~ **ORDER**

On May 24, 2023, pursuant to the parties' stipulated request to modify the briefing schedule for the bellwether summary judgment motion, the Court established a briefing schedule for the anticipated cross-motions, with the following dates:

1. Defendant's Motion for Summary Judgment to be filed by August 1, 2023
2. Plaintiffs' Cross-Motion and Opposition to be filed by October 2, 2023
3. Defendant's Opposition and Reply to be filed by October 20, 2023
4. Plaintiff's Reply to be filed by November 3, 2023
5. Hearing: November 9, 2023, at 8:00 a.m.

1 Since the approval of that schedule, one of the Department of Labor (“DOL”) attorneys with a
 2 critical role in the ongoing evaluation of the contractors’ objections and the preparation of DOL’s
 3 motion for summary judgment has been required to take immediate and unexpected medical leave for
 4 the critical care of his daughter. This medical emergency has necessitated his complete attention for
 5 over two weeks, and he will need to continue to work on a part-time schedule for alternating weeks for
 6 several months while his daughter recovers. As a result, DOL will be unable to file its summary
 7 judgment motion as anticipated on August 1 and has requested to modify the schedule so that its
 8 opening brief would be filed on August 18, 2023. Plaintiff has agreed to accommodate this request.

9 The parties have met and conferred about the remaining briefing schedule, which is complicated
 10 by holidays and leave schedules. The parties do not believe that a hearing on the existing hearing date
 11 of November 9, 2023, will be possible given the new requested filing date. Accordingly, they are
 12 requesting a hearing date of December 14, 2023, and the following briefing schedule, which includes
 13 modest enlargements of the time for DOL to file its opposition brief and CIR to file its reply to
 14 accommodate leave schedules and holidays:

- 15 1. Defendant’s Motion for Summary Judgment to be filed by August 18, 2023
- 16 2. Plaintiffs’ Cross-Motion and Opposition to be filed by October 18, 2023
- 17 3. DOL’s Opposition and Reply to be filed by November 10, 2023
- 18 4. Plaintiff’s Reply to be filed by December 5, 2023
- 19 5. Hearing: December 14, 2023, at 8:00 a.m.

20 The parties respectfully request that the Court enter an order modifying the schedule for the
 21 bellwether motions for summary judgment accordingly.

22 DATED: July 7, 2023

Respectfully submitted,

ISMAIL J. RAMSEY
 United States Attorney

/s/ Pamela T. Johann*
 PAMELA T. JOHANN
 Assistant United States Attorney

Attorneys for Defendant

1 DATED: July 7, 2023

THE CENTER FOR INVESTIGATIVE
REPORTING

2 /s/ D. Victoria Baranetsky

3 D. VICTORIA BARANETSKY

4 Attorneys for Plaintiffs

5
6 **The filer of this document hereby attests pursuant to Civil Local Rule 5-1(h)(3) that all signatories*
7 *have concurred in the filing of this document.*
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~[PROPOSED]~~ ORDER

Pursuant to stipulation, and good cause appearing therefor, IT IS SO ORDERED. The schedule for the bellwether motions for summary judgment is modified as follows:

1. DOL's Motion for Summary Judgment to be filed by August 18, 2023
2. Plaintiffs' Cross-Motion and Opposition to be filed by October 18, 2023
3. DOL's Opposition and Reply to be filed by November 10, 2023
4. Plaintiff's Reply to be filed by ~~November 5, 2023~~ December 5, 2023
5. Hearing: December 14, 2023, at 8:00 a.m.

Dated: July 14, 2023.



HON. WILLIAM ALSUP
United States Senior District Judge